IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.115 of 2006.
IN
SUMMONS FOR JUDGMENT NO. 527 OF 2005
IN
SUMMARY SUIT NO.657 OF 2004

Bharat Pranjivan Valia .. Appellant

V/s

Lila Rasiklal Parikh & Ors. .. Respondents

Mr.Tushar Bhavsar i/b. M/s.Shah and Sanghavi for the Appellant.
Mr.Kavita Shah i/b. Mr.A.G.Shah for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 7TH APRIL, 2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Appeal, the Appellant is challenging the order dated 9th January, 2006 passed by the learned Single Judge in Summons for Judgment No.527 of 2005, whereby the learned Single Judge had granted conditional leave directing the Appellant to deposit sum of Rs.1,40,000/- within a period of four weeks. Before the learned Single Judge, two contentions were raised. One was that the suit claim was barred by the Law of Limitation. Now, before us, the learned Counsel for the Appellant, very fairly states that the Appellant had issued the cheques which are reflected in Exhibit A-1 of the plaint which is at page No.28. In view

thereof, issue of Limitation does not survive.

2. As far as the second contention is concerned, that Respondent No.1 is carrying on his business of money lending without a licence under the Bombay Money Lenders Act. It is apparent that the Respondents had granted six personal friendly loans to six different parties and they were all isolated transactions and the same will not amount to business of money lending. Under the facts and circumstances of the case, we do not find anything erroneous in the order of the learned Single Judge granting conditional leave. Hence, the Appeal is dismissed.

3. Now, the learned Counsel appearing on behalf of the Appellant prays that the time to deposit the aforesaid sum of Rs.1,40,000/- be extended for the period of six weeks from today. Time is extended by six weeks from today.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)